

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



October 15, 1986

ALL-COUNTY LETTER NO. 86-100

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: WAIVER OF IHSS ALTERNATIVE RESOURCE REGULATIONS

REFERENCE: MPP Section 30-763.3

In order to continue to provide more extensive and responsive in-home services to the frail elderly, the California Department of Aging (CDA), which administers the Multipurpose Senior Services Program (MSSP), and the State Department of Social Services (SDSS) have agreed to formalize a long-standing informal arrangement between the two departments. Under this agreement, SDSS waives In-Home Supportive Services (IHSS) regulations regarding the treatment of alternative resources, as such regulations pertain to MSSP payments.

The attached Memorandum of Understanding (MOU) between the two departments requires that in the administration of the IHSS Program, counties are not to apply Manual of Policies and Procedures Section 30-763.3 in relation to MSSP payments for provider services for IHSS recipients. Such payments are not to be treated as alternative resources to the recipients, and IHSS authorizations are not to be reduced by the amount of such payments. The MOU presents the waiver in detail and establishes the legal authority for the waiver.

If you have any questions, please contact your Adult and Family Services Operations Consultant at (916) 445-0623.

A handwritten signature in cursive script, reading "Loren D. Suter", is positioned above the typed name.

LOREN D. SUTER
Deputy Director
Adult and Family Services Division

cc: CWDA

Attachment

MEMORANDUM OF UNDERSTANDING

Department of Social Services and California Department of Aging

This Memorandum of Understanding is to formalize an ongoing informal agreement between the Department of Social Services (DSS) and the California Department of Aging (CDA) in relation to Multipurpose Senior Services Program (MSSP) payments for provider services for In-Home Supportive Services (IHSS) recipients.

Specifically, the agreement is that DSS will waive the application of the requirements contained in Manual of Policies and Procedures (MPP) Section 30-763.3 in relation to MSSP payments for provider services for IHSS recipients.

This section of the regulations requires county social services staff to explore and utilize alternative service delivery resources in lieu of IHSS Program funded services.

This waiver will allow MSSP to supplement MSSP clients' IHSS awards under the following conditions:

1. For cases currently authorized to receive the statutory maxima, the County Welfare Department (CWD) will not reduce the authorization of service when the MSSP grants an additional level of service over and above the IHSS maxima;
2. For cases assessed at a level less than the maxima, the CWD will not consider additional hours authorized by the MSSP as an alternate resource and will continue to authorize services at their assessed need level.

The waiver of this regulation is necessary because MSSP staff, whose clients are the most frail of the elderly, must be able to respond quickly and to the greatest extent possible to identified client needs. To qualify for MSSP services, the recipient must be age 65 or older, currently eligible for California Medical Assistance (Medi-Cal), and certified or certifiable for institutionalization in a Skilled Nursing Facility (SNF) or an Intermediate Care Facility (ICF). Accordingly, MSSP has requested and received waivers from several Health and Welfare Agency departments to enable the program to be effective in avoiding unnecessary institutionalization for the frail elderly.

The authority for this waiver is contained in the second paragraph of Welfare and Institutions Code (W&IC) Section 9404, which states:

"To the extent permitted by federal law, each department within the agency, including departments designated as single state agencies for the programs described in Section 9403, shall waive regulations and general policies and make resources available which are necessary for the administration of this chapter, upon request of the agency."

The agency referred to above is the Health and Welfare Agency. Among those programs described in Section 9403 is homemaker chore services.

This waiver is also consistent with the general mandate for MSSP, which is contained in W&IC Section 9401. This Section states that:

"The program shall continue to develop and report on effective methods:

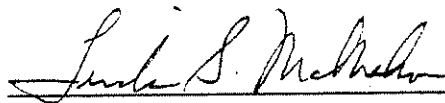
- (a) To prevent premature disengagement of older persons from their indigenous communities and subsequent commitment to institutions.
- (b) To provide optimum accessibility of various important community social and health resources available to assist active older persons to maintain independent living.
- (c) To provide that the frail older person who has the capacity to remain in an independent living situation has access to the appropriate social and health services without which independent living would not be possible.
- (d) To provide the most efficient and effective use of public funds in the delivery of these social and health services.
- (e) To coordinate, integrate, and link these social and health services, including county social services, by removing obstacles which impede or limit improvements in delivery of these services.
- (f) To allow the State substantial flexibility in organizing or administering the delivery of social and health services to its senior citizens."

This agreement, which has been informally operational since August 1981, shall be formally effective as of the date this document is signed by the authorized representatives of DSS and CDA.

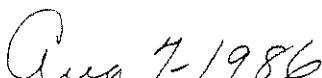
This agreement will continue in effect until terminated. The agreement may be cancelled by either party by giving ninety (90) days written notice to the other party.

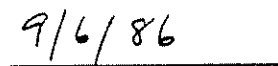


Alice Gonzales, Director
California Department of Aging



Linda S. McMahon, Director
Department of Social Services


Date


Date